

**Village of Irvington  
Zoning Board of Appeals**

Minutes of Meeting held March 26, 2002

A meeting of the Zoning Board of Appeals of the Village of Irvington was held at 8:00 P.M. on Tuesday, March 26, 2002, in the Trustees' Meeting Room, Town Hall, Irvington, N.Y.

The following members of the Board were present:

Louis C. Lustenberger, Chairman  
Robert Clark  
Robert L. Bronnes  
Paul M. Giddins  
Brian Barrett

Mr. Lustenberger acted as Chairman and Mr. Giddins as Secretary of the meeting.

There was one matter on the agenda:

Case No.

**2002-08        Bruce and Deena Goldsmith** – 200 Cyrus Field Road, (Sheet 12A, Lots P1A and P1B)

The Applicants appeared with their architect Harry N. Pharr. The Rudolphs, neighbors of the Applicants, appeared by their attorney Mark Reilly, Esq., of the law firm Zarin & Steinmetz.

In lieu of the verified statement of compliance with the notice provisions of § 224-98(A) of the Code, the Applicants filed the applicable proofs of service.

The Applicants sought a variance from the provisions of § 224-12 of the Irvington Zoning Ordinance (the “Code”), to permit the construction of a detached three-car garage in the northeastern portion of the property and nearer to the street on which the principal building fronts than such principal building is located.

The board reviewed drawings submitted by the Applicants, and noted that the proposed garage is approximately 450 feet from Cyrus Field Road, the street on which the Applicants’ house fronts. The board further noted that the Applicants’ lot is approximately 10 acres, a size sufficient to accommodate an accessory building without any crowding effect on the subject lot or neighboring lots. The board further noted that because of the steep incline upwards from Cyrus Field Road to the lot, neither the garage nor the lot is visible from the road.

After weighing the applicable factors, the board concluded that the benefit to the Applicants from granting the variance outweighed any detriment to the health, safety and welfare of the neighborhood or community. The Board also found that granting the variance would not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties, and that the benefit sought by Applicants could not feasibly be achieved by any method other than a variance, and that the requested variance was small. Finally, the Board found that the requested variance would not adversely affect the physical or environmental conditions of the neighborhood or district and that the self-created nature of the hardship necessitating the request for a variance, if any, was not sufficient to outweigh the factors in favor thereof.

The Applicants' neighbor, the Rudolfs, appeared by their attorney Mark Reilly, Esq., of the law firm Zarin & Steinmetz. The neighbor expressed concern about their view of the proposed garage and requested that the Applicants provide screening between the proposed garage and the neighbor's property. In response to the request and to satisfy the neighbor's concern, Applicants agreed to plant evergreen trees that would screen the garage from the view of the neighbors to the north and northeast.

There was no other opposition to the application.

The Chairman then moved that a vote be taken on the application. The motion was seconded and thereafter the Board voted on the Applicants' request for a variance. The Board voted unanimously to grant the request for a variance from the provisions of § 224-12 of the Code, to permit the construction of a detached three-car garage in the northeastern portion of the property and nearer to the street on which the principal building fronts than such principal building is located, in conformity with plans submitted at the hearing and made a part of the record therein, subject, however, to the condition and requirement that Applicants plant evergreen trees to screen the garage from the view of the neighbors to the north and northeast.

There being no further business, the meeting was, upon motion duly made and seconded, unanimously adjourned.

/s/ Paul M. Giddins  
Paul M. Giddins